changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2237

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2237, a bill to withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

S. 2279

At the request of Mr. FEINGOLD, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Wyoming (Mr. THOMAS), the Senator from Minnesota (Mr. DAYTON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2279, a bill to make amendments to the Iran and Syria Nonproliferation Act.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2308

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2308, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2362

At the request of Mr. BYRD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Colorado (Mr. ALLARD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Maryland (Mr. SARBANES), the Senator from Wyoming (Mr. THOMAS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2371

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2371, a bill to permit the use of certain funds for recovery and mitigation activities in the upper basin of the Missouri River, and for other purposes.

S. CON. RES. 76

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution condemning the Government of Iran for its flagrant violations of its obligations under the Nuclear Non-Proliferation Treaty, and calling for certain actions in response to such violations.

S. RES. 232

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR:

S. 2379. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health and long-term care insurance costs of individual not participating in employer-subsidized health plans; to the Committee on Finance.

Mr. BURR. Mr. President, I rise today to introduce legislation that would provide an above-the-line tax deduction for individuals who purchase their own health insurance and are not receiving it through their employer. An above-the-line tax deduction would allow a taxpayer to take the deduction even if they don't itemize their taxes. Current law allows those individuals who are self-employed and purchase health insurance to take an above-the-line tax deduction. My legislation would make the tax code fairer by allowing those people who are not self-employed to take the same deduction.

An estimated 17.4 million Americans in 2005 were covered by individually purchased health insurance policies. Some of these people are self-employed and can currently take this deduction. However, based upon these statistics, I estimate that up to 2 million families who have purchased health insurance do not have access to this deduction. My legislation seeks to correct that. Additionally, the legislation will make it cheaper for uninsured people to purchase their own health insurance policies. Health care costs in general are expected to rise 7.2 percent per year for the next ten years, so it is important for Congress to pursue steps to attempt to rein in this inflation and also to try to make health care and health insurance more accessible and affordable. This legislation is a part of those efforts.

Another important aspect of the legislation is that it would also allow individuals to take an above-the-line deduction for the purchase of long-term-care insurance. Most employers do not offer any subsidized long-term-care insurance to their employees, so those who need this protection often have to purchase it in the individual market. It is very important for Americans to purchase this insurance, since many people assume that Medicare covers long-term-care costs when people turn age 65. However, this is not true. Often, seniors will find themselves on Medicaid, the low-income federal health care program, when they have long stays in nursing homes that they cannot pay for. Long-term-care insurance is a far better alternative to having seniors go onto Medicaid. It is important for Congress to incentivize people to purchase this insurance, and my legislation is a step in the right direction.

I want to urge my colleagues to look at this legislation. It is short and to the point, but helping people to have private health insurance and long-term-care insurance is an important part of improving our health care system.

By Mr. DODD:

S. 2380. A bill to add the heads of certain Federal intelligence agencies to the Committee on Foreign Investment in the United States, to require enhanced notification to Congress and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I have introduced a bill entitled the U.S. National Security Protection Act of 2006. This legislation would enact some critical reforms with respect to the Committee on Foreign Investment in the United States, CFIUS. I look forward to working with my colleagues in the coming days on this bill.

One thing is clear. The importance of reforming CFIUS has been brought into sharp focus by the proposed acquisition of P&O Steamship Navigation Company's U.S. port operations by Dubai Ports, DP, World, a company based in Dubai in the United Arab Emirates, UAE. The reason so many people are concerned about that particular deal is obvious: while security threats are dynamic, assets such as our ports are, and always will be, a national security concern.

CFIUS's role is to vet these deals for possible national security dangers. But the problem here is that the CFIUS process is broken. Indeed, the DP World deal was approved in less than 30

days—even though U.S. law clearly required there to be a full 45-day investigation.

Many of us here in Congress have for a while now expressed concerns over whether the current CFIUS structure is adequately protecting our national security. The GAO also expressed these concerns in a report it released last September. So again, it's not like the cat has suddenly been let out of the bag that the CFIUS process needs reform.

Yet despite all the evidence to the contrary—most prominently, the DP World-P&O deal—the administration does not seem to believe that there is anything wrong with the CFIUS process.

The bill I introduced today—the National Security Protection Act of 2006—goes to the heart of three very simple principles. First, since CFIUS is set up to protect our national security, the intelligence community—whose fundamental purpose is to promote national security—needs to have a formal and expanded role in CFIUS. Second, accountability and transparency need to be made a permanent part of the CFIUS process. And third, when critical U.S. infrastructure might be acquired by a foreign government-controlled entity, CFIUS must perform a full 45 day investigation—no exceptions.

My bill would address these issues by doing the following: First, it would add the Director of National Intelligence, DNI, and Director of the CIA, DCI, to the CFIUS panel.

Second, it would create a CFIUS Subcommittee on Intelligence whose members would represent the heads of all of the intelligence agencies of the U.S. government. That subcommittee, chaired by the Director of National Intelligence, would review and provide comments on matters to come before CFIUS—including comments on 30 day reviews which do not result in 45 day investigations and comments on the results of 45 day investigations. This subcommittee would also conduct 15 day initial reviews of all cases filed with CFIUS.

Some might ask why the DNI would need to serve on both the full CFIUS panel and on the subcommittee. The reasoning behind this is simple—the DNI has two important roles in the process. On the full committee, the DNI should fill a role of providing policy advice from the perspective of the intelligence community. On the subcommittee level, the DNI should oversee the collection, analysis, and reporting on specific, case-related intelligence that is vital to the CFIUS process.

Third, the National Security Protection Act would create two Vice Chair positions on the full CFIUS panel, to be filled by the Secretaries of Defense and Homeland Security. That will help to ensure that economic, intelligence, and security matters are given appropriate weight in the decision making process. Economic interests, while important, must never come ahead of the protection of our national security.

Fourth, this legislation would mandate that only the CFIUS chair, with the concurrence of the two Vice Chairs, or the President acting on his own authority, can sign off on a 30-day review which concludes that a potential deal poses no security threat. In addition, it would require that this determination be made in writing with the appropriate signatures, and mandate that the CFIUS Chair and Vice Chairs who make such a determination be at the level of Secretary so that this responsibility is not delegated to subordinates. Furthermore, if either of the Vice Chairs dissent with respect to the decision to not conduct a 45-day investigation, my bill would mandate that the matter be sent to the President for a final determination.

Fifth, my bill would require the President or CFIUS to notify Congress not later than 15 days after paperwork is submitted by companies for CFIUS review, and not later than 15 days after the commencement of all 30-day reviews and 45-day investigations.

Sixth, this bill would also require the President to provide quarterly reports to Congress detailing all 30- and 50-day actions. These reports would include the intelligence subcommittee's comments on each case, and they would be submitted in unclassified form with a classified annex.

Seventh, for any transaction where a foreign-owned company is seeking to acquire U.S. critical infrastructure, this bill would mandate that the company provide the appropriate notification to CFIUS of the proposed transaction as well as the required information for CFIUS to examine the case. Currently that process is voluntary and it shouldn't be.

Eighth and finally, the National Security Protection Act would amend existing U.S. law, which governs under what conditions the President must conduct a full 45-day investigation. Currently, U.S. law requires a full investigation if ''an entity controlled by or acting on behalf of a foreign government'' attempts to acquire a U.S. entity engaged in interstate commerce that could affect U.S. national security. My bill would clarify this provision by requiring a 45-day investigation whenever the U.S. entity to be acquired controls, owns, or operates critical infrastructure in the U.S.

I don't want anyone to misinterpret what I am saying here. Foreign investment in the U.S. economy provides an important influx of capital. In today's globalized world, we would do tremendous damage to our economy by cutting off foreign investment. And I do not think anyone here is talking about that.

Just to provide some reference, according to the Commerce Department, in 2004, foreigners invested $113 billion in U.S. businesses and real estate. But that amount is only about half as much as U.S. firms invested abroad. So while we rightly have concerns about outsourcing and enforcement of fair trade practices, the U.S. obviously gets significant benefits from participating in the global economy.

But supporting free and fair trade, and working to protect the national interest, are not mutually exclusive. Because we are not just working to protect the American worker, we are also trying to protect his or her family, and the generations to come.

Simply put, national security should never be subordinated to commercial interests.

Some would suggest that this is an issue of race-baiting, ill will, or bias toward the Arab world. Let me be clear on that point. Nothing we say with respect to DP World or the situation in the UAE—or any other potential deal—should be construed as such.

To that end, I wholly reject the views of those who suggest that our concern with the DP World acquisition, and with other foreign government acquisitions of U.S. critical infrastructure, is somehow rooted in a xenophobic ideology.

Rather, when it comes to international business, there are two main issues that I think we as Americans are concerned with. One is the protection of the U.S. economy, our industrial base, and American workers. The other is the safeguarding of our national security. With respect to the DP World-P&O deal, we're mainly talking about that second issue.

According to United Press International, UPI, operations at up to 22 U.S. ports would come under the control of DP World if it is allowed to acquire P&O's U.S. port operations. This includes critical ports in New York, New Jersey, Baltimore, Miami, New Orleans, Mississippi, and Texas. And it reportedly includes two ports in Texas used by the Army, and through which approximately 40 percent of equipment shipped to our troops in Iraq has flowed.

Yet, CFIUS decided in less than 30 days that this deal did not pose a security threat to the U.S. There was no full and thorough 45 day investigation, which in my view was mandated by law. Indeed, the Byrd Amendment to Exon-Florio requires a full 45 day investigation if two conditions are met: first, that the acquirer is controlled or acting on behalf of a foreign government; and second, if the acquisition could affect U.S. national security. Both of these conditions are clearly met in this case.

There also appears to have been no consultation with Members of Congress on the DP World issue. In October, Deputy Treasury Secretary Kimmitt testified that he and his agency support more effective communication with Members of Congress to enhance the transparency of CFIUS. I ask where that communication was with respect to DP World.

Certainly, I understand the desire for protecting privacy, but that does not

excuse the lack of any real consultation with Congress and the resulting lack of transparency. This is an issue of checks and balances, which exist to protect Americans. And the protection of Americans must never be subordinated to foreign interests.

But there are other problems with CFIUS that have become apparent through the DP World case. Indeed, we recently learned that neither Secretary Snow nor President Bush knew about the DP World acquisition. Not even Secretary Snow's deputy knew about the matter while it was undergoing the initial 30 day review.

Now, given Secretary Snow's history with CSX, whose port operations were acquired by DP World in 2004, his lack of involvement was the right thing. I only wish that it had been intentional.

And when it comes to the President, I would simply ask this question: When operations at 22 critical U.S. ports are to be sold to a company controlled and owned by a foreign government, one with a questionable security history with respect to terrorism and WMD proliferation, why wasn't the President made aware of the deal?

In a March 1 New York Times article, the President was quoted as saying that ''If there was any doubt in my mind, or people in my Administration's mind, that our ports would be less secure or the American people endangered, this deal wouldn't go forward.''

I frankly have no idea how the President could reach this conclusion. There has been no thorough investigation, as required by law. The President did not even apparently know about the DP World deal until very recently. It is precisely this kind of superficial determination that has the American people so worried about their security—and rightly so.

If all of this is not evidence of a broken CFIUS process, then I do not know what is.

I know that some people would argue that the issue is not CFIUS—that the real issue is having adequate measures to protect our ports. Frankly, I think that both of these are major Issues.

And if we look at the pathetic security situation at our Nation's ports today, that becomes quite clear. Only about 5 percent of the cargo that comes through our ports is actually inspected. Indeed, the resources available to the Department of Homeland Security to undertake port and container security are woefully inadequate. According to reports, U.S. Customs has only 80 inspectors to monitor the compliance of nearly 6,000 importers, who are currently charged with maintaining the security of their goods during transit. The Coast Guard is even worse off with 20 inspectors dedicated to assessing worldwide compliance with relevant international shipping and port facility security codes. That's 100 people for the whole world. And it is a problem that needs to be fixed.

But CFIUS reform is an indispensable part of the process of strengthening U.S. national security. Indeed, the current problems are evident in other cases besides DP World. Most recently we learned about another deal with a Dubai-based company. That company, Dubai International Capital is seeking, as part of a $1.2 billion deal, to acquire London-based Doncasters Group Ltd. Doncasters has operations in the U.S.—primarily in my home state of Connecticut and in Georgia.

True, in this case, CFIUS has decided to perform the full 45-day investigation. I'm glad that they have, because Doncasters is involved in the production of components for some of our most critical military equipment, including the M1 Abrams tank.

But while I'd like to think that the Doncasters investigation was begun on its own merits, I must admit that I find the timing of this investigation highly suspect. In fact, it appears that this investigation was not even launched until the DP World issue became public and stirred up some very legitimate concerns.

So as we can see, it is critically important that we reform the CFIUS process. We can not afford to sit and wait on this. The U.S. National Security Protection Act of 2006 would significantly strengthen CFIUS and thus our national security. I urge my colleagues to support this bill.

I ask unanimous consent that the text of my bill, the U.S. National Security Act of 2006, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''U.S. National Security Protection Act of 2006''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Committee on Foreign Investment in the United States'' or ''CFIUS'' means the committee established by the President under Executive Order 11858, May 7, 1975, and any successor thereto; and

(2) the term ''intelligence community'' has the same meaning as in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 3. COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

(a) CFIUS MEMBERSHIP.—

(1) DIRECTORS OF NATIONAL INTELLIGENCE AND CENTRAL INTELLIGENCE.—Notwithstanding any other provision of law, the Director of National Intelligence and the Director of Central Intelligence shall be members of the Committee on Foreign Investment in the United States.

(2) VICE CHAIRS.—The Secretary of Homeland Security and the Secretary of Defense shall serve as vice chairs of the Committee on Foreign Investment in the United States.

(b) SUBCOMMITTEE ON INTELLIGENCE.—Not later than 30 days after the date of enactment of this Act, the President shall establish within the Committee on Foreign Investment in the United States a Subcommittee on Intelligence, which shall be—

(1) chaired by the Director of National Intelligence; and

(2) comprised of the head of each member of the intelligence community.

SEC. 4. SUBCOMMITTEE REVIEW OF CFIUS INVESTIGATIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(l) INTELLIGENCE SUBCOMMITTEE REVIEWS OF INVESTIGATIONS.—

''(1) PRE-INVESTIGATION REVIEW AND COMMENT.—The Subcommittee on Intelligence of the Committee on Foreign Investment in the United States shall—

''(A) review information relating to a proposed merger, acquisition, or takeover, during the 15-day period following the date of receipt of such information, and before the commencement of any investigation under subsection (a) or (b); and

''(B) provide written comments on any determination by the President or CFIUS not to conduct an investigation under subsection (a).

''(2) POST-INVESTIGATION REVIEW AND COMMENT.—The Subcommittee on Intelligence of the Committee on Foreign Investment in the United States shall—

''(A) review each investigation conducted by the President or CFIUS under subsections (a) and (b); and

''(B) provide written comments on the results of each such investigation.''.

SEC. 5. TREATMENT OF CRITICAL INFRASTRUCTURE AS AFFECTING NATIONAL SECURITY.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)) is amended by inserting after ''commerce in the United States'' the following: '', including any person that owns, controls, or operates any critical infrastructure, as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)),''.

SEC. 6. CERTIFICATION OF NATIONAL SECURITY DETERMINATIONS.

''(m) PRESIDENTIAL OR CHAIR CERTIFICATION OF THREAT DETERMINATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover may be made only—

''(A) by the President, in any case in which the President is acting on the President's own behalf under subsection (a); or

''(B) by the Secretary of the Treasury, with the concurrence of the Secretary of Homeland Security and the Secretary of Defense, in their respective capacities as chair and vice chairs of CFIUS, in any case in which CFIUS is acting as the President's designee under subsection (a).

''(2) CERTIFICATIONS REQUIRED.—

''(A) PRESIDENTIAL DETERMINATIONS.—In any instance in which the President is acting on his or her own behalf under subsection (a), the President shall certify in writing to a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover, and such certification requirement may not be delegated to any person.

''(B) CFIUS DETERMINATIONS.—In any instance in which CFIUS is acting as the President's designee under subsection (a), the Secretary of the Treasury, the Secretary of Homeland Security, and the Secretary of Defense shall each certify in writing to a final determination that an investigation under subsection (a) is not required with respect to a merger, acquisition, or takeover, and such certification requirement may not be delegated to any person.

''(3) NONCONCURRENCE.—If there is not concurrence among the chair and vice chairs of CFIUS for purposes of paragraph (1)(B), the President shall make the final determination that an investigation under subsection

(a) is not required with respect to a merger, acquisition, or takeover, and the President shall certify such determination in writing.''.

SEC. 7. MANDATORY SUBMISSION OF INFORMATION.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(c)) is amended—

(1) in the subsection heading, by striking ''CONFIDENTIALITY OF'' and inserting ''SUBMISSION OF'';

(2) by striking ''Any information or documentary material filed'' and inserting the following:

''(1) REQUIRED SUBMISSIONS.—Each person controlled by or acting on behalf of a foreign government or foreign person shall—

''(A) notify the President or the President's designee in writing of any proposed merger, acquisition, or takeover of any United States critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e))) ; and

''(B) provide such information to the President or the President's designee with respect to such proposed transaction as may be necessary for purposes of this section.

''(2) CONFIDENTIALITY OF INFORMATION.—Any information or documentary material filed, either voluntarily or under paragraph (1),''.

SEC. 8. NOTICES OF REVIEWS AND INVESTIGATIONS AND QUARTERLY REPORTS REQUIRED.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(n) NOTICES OF REVIEWS AND INVESTIGATIONS AND QUARTERLY REPORTS TO CONGRESS.—

''(1) NOTICES TO CONGRESS.—The President or the President's designee shall notify the appropriate committees of Congress—

''(A) not later than 15 days after the date of receipt of written notification of a proposed or pending merger, acquisition, or takeover described in subsection (a) or (b); and

''(B) at the commencement of each investigation under subsection (a) or (b).

''(2) QUARTERLY REPORTS TO CONGRESS.—

''(A) IN GENERAL.—The President shall, on a quarterly basis, submit to Congress a report on all mergers, acquisitions, and takeovers that were the subject of investigation or review under this section during the quarter, including any comments submitted under subsection (l)(2).

''(B) FORM.—Each report required under subparagraph (A) may be submitted in unclassified form, and may contain a classified annex.''.

SEC. 9. CFIUS AS PRESIDENT'S DESIGNEE UNDER DEFENSE PRODUCTION ACT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(o) DESIGNEE.—Notwithstanding any other provision of law, the President's designee for purposes of this section shall be the Committee on Foreign Investment in the United States, established by order of the President in Executive Order 11858, May 7, 1975 (in this section referred to as 'CFIUS'), or any successor thereto.''.

By Mr. FRIST (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. KERRY, Mr. SESSIONS, Mr. ALLEN, Mr. BUNNING, Mr. ALEXANDER, Mr. TALENT, Mr. DEMINT, Mr. GRAHAM, Mr. KYL, Mr. ALLARD, Mrs. DOLE, Mr. ENZI, Mr. BROWNBACK, Mr. ISAKSON, Mr. BURR, Mr. CHAMBLISS, Mr. CHAFEE, Mr. SANTORUM, Mr. THUNE, Mr. GREGG, Mr. SUNUNU, Mr. VITTER, Mr. MARTINEZ, Mr. CRAPO, and Mr. THOMAS):

S. 2381. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority; to the Committee on the Budget.

Mr. FRIST. Mr. President, I rise to introduce the Legislative Line Item Veto Act of 2006. I am proud to say there are over 20 Senators who have joined me as original cosponsors of this legislation, including our colleague from Massachusetts, Senator KERRY. I wish to thank Senator KERRY for his support, and for the support of all of the other original cosponsors who have joined me on this significant legislative reform proposal.

The legislation itself is long overdue. It is an authority provided in one version or another to 43 Governors today. It is an authority that has been requested by at least 11 Presidents, including Franklin Roosevelt, Harry Truman, Dwight Eisenhower, Ronald Reagan, and Bill Clinton.

The Legislative Line Item Veto Act of 2006, first outlined by President Bush yesterday, when enacted will provide the President and the Congress with a tool to surgically remove specific spending and targeted tax benefits from broader enacted legislation. Unlike the line item veto legislation that the Supreme Court ruled unconstitutional in 1998, this is clearly constitutional.

The legislation builds upon current Presidential rescission authorities changing the current process to require Congress to act, one way or the other, on the President's proposed removal of items in enacted law. This new procedure guarantees an up-or-down vote on the President's proposed rescissions, without amendments.

I was trying to think how to describe this procedure when people ask, and one might think of it as similar to the Armed Forces BRAC Commission process. I am really talking about the approach, the procedure itself. By that, I mean that the President proposes and the Congress, under expedited procedures, within 10 days, approves or disapproves of the legislation that rescinds spending, including both appropriation items or entitlement spending. The one spending program which would be exempt from this process is Social Security.

The legislation is balanced in that it would also allow the President to eliminate revenue-losing provisions that provide Federal tax benefits to 100 or fewer beneficiaries or provide temporary or transitional relief to 10 or fewer beneficiaries.

I am encouraged by the broad bipartisan support for this reform legislation. I hope this Congress will act on the bill to provide us another tool to control unnecessary and wasteful spending in tax expenditures. It is just good government.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1021. (a) PROPOSED RESCISSIONS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

'' (b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

''(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

''(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such budget authority or item of direct spending should be rescinded;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

''(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

''(2) ENACTMENT OF RESCISSION BILL.—

''(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 to reflect the

rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, as appropriate.

''(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'deferral' has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase 'deferral of budget authority' defined in section 1011(1) in Part B (2 U.S.C. 682(1));

''(3) the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority and obligation limitations—

''(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

''(4) the terms 'rescind' or 'rescission' mean to modify or repeal a provision of law to prevent:

''(A) budget authority from having legal force or effect;

''(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

''(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect.

''(5) the term 'direct spending' means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

''(6) the term 'item of direct spending' means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying

the most recently submitted President's budget; and

''(7) the term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit.

''(8)(A) The term 'targeted tax benefit' means—

''(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

''(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986.

''(B) A provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

''(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

''(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

''(iii) any difference in the treatment of persons is based solely on—

''(I) in the case of businesses and associations, the size or form of the business or association involved;

''(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

''(III) the amount involved; or

''(IV) a generally-available election under the Internal Revenue Code of 1986.

''(C) A provision shall not be treated as described in subparagraph (A)(ii) if—

''(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

''(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect.

''(D) For purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all qualified plans of an employer shall be treated as a single beneficiary;

''(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision.

''(E) For the purpose of this paragraph, the term 'revenue-losing provision' means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

''(i) the first fiscal year for which the provision is effective; or

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective.

''(F) The terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1017, and 1021''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1017 and 1021''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking ''Parts A and B'' before ''title X'' and inserting ''Parts A, B, and C''; and

(B) striking the last sentence and inserting at the end the following new sentence: ''Part C of title X also may be cited as the 'Legislative Line Item Veto Act of 2006.'''

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''Sec. 1021. expedited consideration of certain proposed rescissions.''.

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. CHAFEE. Mr. President, I join with Senators FRIST, MCCAIN, and others as a cosponsor of legislation to establish a Presidential line item veto. This is a fiscally prudent measure which could reduce wasteful spending and bring down our Nation's deficit.

The proposal would give the President the authority to strike wasteful spending measures from legislation, to ensure that the American taxpayer is not footing the bill for projects that are not national priorities. I applaud President Bush for putting forth this initiative, which would be significant progress in the fight to reduce nonessential spending.

Throughout our country's history, the line item veto has enjoyed a long line of bipartisan support, with Presidents such as Ulysses Grant, Franklin Delano Roosevelt, Ronald Reagan, and Bill Clinton calling for the authority. Additionally, the power has been given to Governors in 43 of the 50 States.

I am pleased that the proposed legislation would require the President to send recision proposals back to Congress for final passage. Not only does this make the legislation consistent with the Constitution, it also limits the scope of any President's veto authority, as proposed changes will need congressional approval.

I am heartened to see this call for fiscal responsibility from President Bush. I have joined as a cosponsor of this legislation because it will be impossible for us to reduce our national debt and balance the Federal budget unless we curb wasteful spending. I have been an advocate for the pay-as-you-go budget rule, which would require Congress to pay for any new spending or tax cuts, and will continue to press for its adoption.

Since chronic deficits add to the burden of debt we are bequeathing to future generations, congressional spending must be reigned in, and I am pleased to support this proposal which is one tool that can improve spending discipline in Washington.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. REID, Mr. BAUCUS, Mr. KENNEDY, Mr. KERRY, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. DODD, Mr. HARKIN, Mr. JOHNSON, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. MENENDEZ, Mr. ROCKEFELLER, and Mr. LEAHY):

S. 2382. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Employers Health Benefits Program Act of 2006''.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act, the terms ''member of family'', ''health benefits plan'', ''carrier'', ''employee organizations'', and ''dependent'' have the meanings given such terms in section 8901 of title 5, United States Code.

(b) OTHER TERMS.—In this Act:

(1) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(6)). Such term shall not include an employee of the Federal Government.

(2) EMPLOYER.—The term ''employer'' has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(5)), except that such term shall include only employers who employed an average of at least 1 but not more than 100 employees on business days during the year preceding the date of application. Such term shall not include the Federal Government.

(3) HEALTH STATUS-RELATED FACTOR.—The term ''health status-related factor'' has the meaning given such term in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(9)).

(4) OFFICE.—The term ''Office'' means the Office of Personnel Management.

(5) PARTICIPATING EMPLOYER.—The term ''participating employer'' means an employer that—

(A) elects to provide health insurance coverage under this Act to its employees; and

(B) is not offering other comprehensive health insurance coverage to such employees.

(c) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of subsection (b)(2):

(1) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(2) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence for the full year prior to the date on which the employer applies to participate, the determination of whether such employer meets the requirements of subsection (b)(2) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the employer's first full year.

(3) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(d) WAIVER AND CONTINUATION OF PARTICIPATION.—

(1) WAIVER.—The Office may waive the limitations relating to the size of an employer which may participate in the health insurance program established under this Act on a case by case basis if the Office determines that such employer makes a compelling case for such a waiver. In making determinations under this paragraph, the Office may consider the effects of the employment of temporary and seasonal workers and other factors.

(2) CONTINUATION OF PARTICIPATION.—An employer participating in the program under this Act that experiences an increase in the number of employees so that such employer has in excess of 100 employees, may not be excluded from participation solely as a result of such increase in employees.

(e) TREATMENT OF HEALTH BENEFITS PLAN AS GROUP HEALTH PLAN.—A health benefits plan offered under this Act shall be treated as a group health plan for purposes of applying the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) except to the extent that a provision of this Act expressly provides otherwise.

SEC. 3. HEALTH INSURANCE COVERAGE FOR NON-FEDERAL EMPLOYEES.

(a) ADMINISTRATION.—The Office shall administer a health insurance program for non-Federal employees and employers in accordance with this Act.

(b) REGULATIONS.—Except as provided under this Act, the Office shall prescribe regulations to apply the provisions of chapter 89 of title 5, United States Code, to the greatest extent practicable to participating carriers, employers, and employees covered under this Act.

(c) LIMITATIONS.—In no event shall the enactment of this Act result in—

(1) any increase in the level of individual or Federal Government contributions required under chapter 89 of title 5, United States Code, including copayments or deductibles;

(2) any decrease in the types of benefits offered under such chapter 89; or

(3) any other change that would adversely affect the coverage afforded under such chapter 89 to employees and annuitants and members of family under that chapter.

(d) ENROLLMENT.—The Office shall develop methods to facilitate enrollment under this Act, including the use of the Internet.

(e) CONTRACTS FOR ADMINISTRATION.—The Office may enter into contracts for the performance of appropriate administrative functions under this Act.

(f) SEPARATE RISK POOL.—In the administration of this Act, the Office shall ensure that covered employees under this Act are in a risk pool that is separate from the risk pool maintained for covered individuals under chapter 89 of title 5, United States Code.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require a carrier that is participating in the program under chapter 89 of title 5, United States Code, to provide health benefits plan coverage under this Act.

SEC. 4. CONTRACT REQUIREMENT.

(a) IN GENERAL.—The Office may enter into contracts with qualified carriers offering health benefits plans of the type described in section 8903 or 8903a of title 5, United States Code, without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to provide health insurance coverage to employees of participating employers under this Act. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Office shall ensure that health benefits coverage is provided for individuals only, individuals with one or more children, married individuals without children, and married individuals with one or more children.

(b) ELIGIBILITY.—A carrier shall be eligible to enter into a contract under subsection (a) if such carrier—

(1) is licensed to offer health benefits plan coverage in each State in which the plan is offered; and

(2) meets such other requirements as determined appropriate by the Office.

(c) STATEMENT OF BENEFITS.—

(1) IN GENERAL.—Each contract under this Act shall contain a detailed statement of benefits offered and shall include information concerning such maximums, limitations, exclusions, and other definitions of benefits as the Office considers necessary or desirable.

(2) ENSURING A RANGE OF PLANS.—The Office shall ensure that a range of health benefits plans are available to participating employers under this Act, at least one of which shall be a plan that provides the same benefits as the government-wide plan available to Federal employees as described in section 8903(1) of title 5, United States Code.

(3) PARTICIPATING PLANS.—The Office shall not prohibit the offering of any health benefits plan to a participating employer if such plan is eligible to participate in the Federal Employees Health Benefits Program.

(4) NATIONWIDE PLAN.—With respect to all nationwide plans other than the plan required under paragraph (2), the Office shall develop a benefit package that shall be offered in the case of a contract for a health benefit plan that is to be offered on a nationwide basis.

(d) STANDARDS.—The minimum standards prescribed for health benefits plans under section 8902(e) of title 5, United States Code, and for carriers offering plans, shall apply to plans and carriers under this Act. Approval of a plan may be withdrawn by the Office only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

(e) CONVERSION.—

(1) IN GENERAL.—A contract may not be made or a plan approved under this section if the carrier under such contract or plan does not offer to each enrollee whose enrollment in the plan is ended, except by a cancellation of enrollment, a temporary extension of coverage during which the individual may exercise the option to convert, without evidence of good health, to a nongroup contract providing health benefits. An enrollee who exercises this option shall pay the full periodic charges of the nongroup contract.

(2) NONCANCELLABLE.—The benefits and coverage made available under paragraph (1) may not be canceled by the carrier except for fraud, over-insurance, or nonpayment of periodic charges.

(f) REQUIREMENT OF PAYMENT FOR OR PROVISION OF HEALTH SERVICE.—Each contract entered into under this Act shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Office finds that the employee, annuitant, family member, former spouse, or person having continued coverage under section 8905a of title 5, United States Code, is entitled thereto under the terms of the contract.

SEC. 5. ELIGIBILITY.

An individual shall be eligible to enroll in a plan under this Act if such individual—

(1) is an employee of an employer described in section 2(b)(2), or is a self employed individual as defined in section 401(c)(1)(B) of the Internal Revenue Code of 1986; and

(2) is not otherwise enrolled or eligible for enrollment in a plan under chapter 89 of title 5, United States Code.

SEC. 6. ALTERNATIVE CONDITIONS TO FEDERAL EMPLOYEE PLANS.

(a) TREATMENT OF EMPLOYEE.—For purposes of enrollment in a health benefits plan under this Act, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89 of title 5, United States Code.

(b) PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Each contract under this Act may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

(2) EXCLUSION PERIOD.—A preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not later than 6 months after the date on which the coverage of the individual under a health benefits plan commences, reduced by the aggregate 1 day for each day that the individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this Act. This provision shall be applied notwithstanding the applicable provision for the reduction of the exclusion period provided for in section 701(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(3)).

(c) RATES AND PREMIUMS.—

(1) IN GENERAL.—Rates charged and premiums paid for a health benefits plan under this Act—

(A) shall be determined in accordance with this subsection;

(B) may be annually adjusted subject to paragraph (3);

(C) shall be negotiated in the same manner as rates and premiums are negotiated under such chapter 89; and

(D) shall be adjusted to cover the administrative costs of the Office under this Act.

(2) DETERMINATIONS.—In determining rates and premiums under this Act, the following provisions shall apply:

(A) IN GENERAL.—A carrier that enters into a contract under this Act shall determine that amount of premiums to assess for coverage under a health benefits plan based on an community rate that may be annually adjusted—

(i) for the geographic area involved if the adjustment is based on geographical divisions that are not smaller than a metropolitan statistical area and the carrier provides evidence of geographic variation in cost of services;

(ii) based on whether such coverage is for an individual, two adults, one adult and one or more children, or a family; and

(iii) based on the age of covered individuals (subject to subparagraph (C)).

(B) LIMITATION.—Premium rates charged for coverage under this Act shall not vary based on health-status related factors, gender, class of business, or claims experience.

(C) AGE ADJUSTMENTS.—

(i) IN GENERAL.—With respect to subparagraph (A)(iii), in making adjustments based on age, the Office shall establish no more than 5 age brackets to be used by the carrier in establishing rates. The rates for any age bracket may not vary by more than 50 percent above or below the community rate on the basis of attained age. Age-related premiums may not vary within age brackets.

(ii) AGE 65 AND OLDER.—With respect to subparagraph (A)(iii), a carrier may develop separate rates for covered individuals who are 65 years of age or older for whom medicare is the primary payor for health benefits coverage which is not covered under medicare.

''(3) READJUSTMENTS.—Any readjustment in rates charged or premiums paid for a health benefits plan under this Act shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Office, is consistent with the practice of the Office for the Federal Employees Health Benefits Program.

(d) TERMINATION AND REENROLLMENT.—If an individual who is enrolled in a health benefits plan under this Act terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following the expiration of 6 months after the date of such termination.

(f) CONTINUED APPLICABILITY OF STATE LAW.—

(1) HEALTH INSURANCE OR PLANS.—

(A) LOCAL PLANS.—With respect to a contract entered into under this Act under which a carrier will offer health benefits plan coverage in a limited geographic area, State mandated benefit laws in effect in the State in which the plan is offered shall continue to apply to such health benefits plan.

(B) RATING RULES.—The rating requirements under subparagraphs (A) and (B) of subsection (c)(2) shall supercede State rating rules for qualified plans under this Act, except with respect to States that provide a rating variance with respect to age that is less than the Federal limit or that provide for some form of community rating.

(2) LIMITATION.—Nothing in this subsection shall be construed to preempt—

(A) any State or local law or regulation except those laws and regulations described in subparagraph (B) of paragraph (1);

(B) any State grievance, claims, and appeals procedure law, except to the extent that such law is preempted under section 514 of the Employee Retirement Income Security Act of 1974; and

(B) State network adequacy laws.

(g) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the application of the service-charge system used by the Office for determining profits for participating carriers under chapter 89 of title 5, United States Code.

SEC. 7. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH ADJUSTMENTS FOR RISK.

(a) APPLICATION OF RISK CORRIDORS.—

(1) IN GENERAL.—This section shall only apply to carriers with respect to health benefits plans offered under this Act during any of calendar years 2007 through 2009.

(2) NOTIFICATION OF COSTS UNDER THE PLAN.—In the case of a carrier that offers a health benefits plan under this Act in any of calendar years 2007 through 2009, the carrier shall notify the Office, before such date in the succeeding year as the Office specifies, of the total amount of costs incurred in providing benefits under the health benefits plan for the year involved and the portion of such costs that is attributable to administrative expenses.

(3) ALLOWABLE COSTS DEFINED.—For purposes of this section, the term ''allowable costs'' means, with respect to a health benefits plan offered by a carrier under this Act, for a year, the total amount of costs described in paragraph (2) for the plan and year, reduced by the portion of such costs attributable to administrative expenses incurred in providing the benefits described in such paragraph.

(b) ADJUSTMENT OF PAYMENT.—

(1) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN 3 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for a calendar year are at least 97 percent, but do not exceed 103 percent, of the target amount for the plan and year involved, there shall be no payment adjustment under this section for the plan and year.

(2) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE 103 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 103 AND 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 103 percent, but not greater than 108 percent, of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier of an amount equal to 75 percent of the difference between such allowable costs and 103 percent of such target amount.

(B) COSTS ABOVE 108 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are greater than 108 percent of the target amount for the plan and year, the Office shall reimburse the carrier for such excess costs through payment to the carrier in an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between such allowable costs and 108 percent of such target amount.

(3) REDUCTION IN PAYMENT IF ALLOWABLE COSTS BELOW 97 PERCENT OF TARGET AMOUNT.—

(A) COSTS BETWEEN 92 AND 97 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 97 percent, but greater than or equal to 92 percent, of the target amount for the plan and year, the carrier shall be required to pay into the contingency reserve fund maintained under section 8909(b)(2) of title 5, United States Code, an amount equal to 75 percent of the difference between 97 percent of the target amount and such allowable costs.

(B) COSTS BELOW 92 PERCENT OF TARGET AMOUNT.—If the allowable costs for the carrier with respect to the health benefits plan involved for the year are less than 92 percent of the target amount for the plan and year, the carrier shall be required to pay into the stabilization fund under section 8909(b)(2) of title 5, United States Code, an amount equal to the sum of—

(i) 3.75 percent of such target amount; and

(ii) 90 percent of the difference between 92 percent of such target amount and such allowable costs.

(4) TARGET AMOUNT DESCRIBED.—

(A) IN GENERAL.—For purposes of this subsection, the term ''target amount'' means, with respect to a health benefits plan offered by a carrier under this Act in any of calendar years 2007 through 2011, an amount equal to—

(i) the total of the monthly premiums estimated by the carrier and approved by the Office to be paid for enrollees in the plan under this Act for the calendar year involved; reduced by

(ii) the amount of administrative expenses that the carrier estimates, and the Office approves, will be incurred by the carrier with respect to the plan for such calendar year.

(B) SUBMISSION OF TARGET AMOUNT.—Not later than December 31, 2006, and each December 31 thereafter through calendar year 2010, a carrier shall submit to the Office a description of the target amount for such carrier with respect to health benefits plans provided by the carrier under this Act.

(c) DISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Each contract under this Act shall provide—

(A) that a carrier offering a health benefits plan under this Act shall provide the Office with such information as the Office determines is necessary to carry out this subsection including the notification of costs under subsection (a)(2) and the target amount under subsection (b)(4)(B); and

(B) that the Office has the right to inspect and audit any books and records of the organization that pertain to the information regarding costs provided to the Office under such subsections.

(2) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this subsection may be used by officers, employees, and contractors of the Office only for the purposes of, and to the extent necessary in, carrying out this section.

SEC. 8. ENCOURAGING PARTICIPATION BY CARRIERS THROUGH REINSURANCE.

(a) ESTABLISHMENT.—The Office shall establish a reinsurance fund to provide payments to carriers that experience one or more catastrophic claims during a year for health benefits provided to individuals enrolled in a health benefits plan under this Act.

(b) ELIGIBILITY FOR PAYMENTS.—To be eligible for a payment from the reinsurance fund for a plan year, a carrier under this Act shall submit to the Office an application that contains—

(1) a certification by the carrier that the carrier paid for at least one episode of care during the year for covered health benefits for an individual in an amount that is in excess of $50,000; and

(2) such other information determined appropriate by the Office.

(c) PAYMENT.—

(1) IN GENERAL.—The amount of a payment from the reinsurance fund to a carrier under this section for a catastrophic episode of care shall be determined by the Office but shall not exceed an amount equal to 80 percent of the applicable catastrophic claim amount.

(2) APPLICABLE CATASTROPHIC CLAIM AMOUNT.—For purposes of paragraph (1), the applicable catastrophic episode of care amount shall be equal to the difference between—

(A) the amount of the catastrophic claim; and

(B) $50,000.

(3) LIMITATION.—In determining the amount of a payment under paragraph (1), if the amount of the catastrophic claim exceeds the amount that would be paid for the healthcare items or services involved under title XVIII of the Social Security Act (42

U.S.C. 1395 et seq.), the Office shall use the amount that would be paid under such title XVIII for purposes of paragraph (2)(A).

(d) DEFINITION.—In this section, the term ''catastrophic claim'' means a claim submitted to a carrier, by or on behalf of an enrollee in a health benefits plan under this Act, that is in excess of $50,000.

(e) TERMINATION OF FUND.—The reinsurance fund established under subsection (a) shall terminate on the date that is 2 years after the date on which the first contract period becomes effective under this Act.

SEC. 9. CONTINGENCY RESERVE FUND.

Beginning on October 1, 2010, the Office may use amounts appropriated under section 14(a) that remain unobligated to establish a contingency reserve fund to provide assistance to carriers offering health benefits plans under this Act that experience unanticipated financial hardships (as determined by the Office).

SEC. 10. EMPLOYER PARTICIPATION.

(a) REGULATIONS.—The Office shall prescribe regulations providing for employer participation under this Act, including the offering of health benefits plans under this Act to employees.

(b) ENROLLMENT AND OFFERING OF OTHER COVERAGE.—

(1) ENROLLMENT.—A participating employer shall ensure that each eligible employee has an opportunity to enroll in a plan under this Act.

(2) PROHIBITION ON OFFERING OTHER COMPREHENSIVE HEALTH BENEFIT COVERAGE.—A participating employer may not offer a health insurance plan providing comprehensive health benefit coverage to employees other than a health benefits plan that—

(A) meets the requirements described in section 4(a); and

(B) is offered only through the enrollment process established by the Office under section 3.

(3) OFFER OF SUPPLEMENTAL COVERAGE OPTIONS.—

(A) IN GENERAL.—A participating employer may offer supplementary coverage options to employees.

(B) DEFINITION.—In subparagraph (A), the term ''supplementary coverage'' means benefits described as ''excepted benefits'' under section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

(c) RULE OF CONSTRUCTION.—Except as provided in section 15, nothing in this Act shall be construed to require that an employer make premium contributions on behalf of employees.

SEC. 11. ADMINISTRATION THROUGH REGIONAL ADMINISTRATIVE ENTITIES.

(a) IN GENERAL.—In order to provide for the administration of the benefits under this Act with maximum efficiency and convenience for participating employers and health care providers and other individuals and entities providing services to such employers, the Office is authorized to enter into contracts with eligible entities to perform, on a regional basis, one or more of the following:

(1) Collect and maintain all information relating to individuals, families, and employers participating in the program under this Act in the region served.

(2) Receive, disburse, and account for payments of premiums to participating employers by individuals in the region served, and for payments by participating employers to carriers.

(3) Serve as a channel of communication between carriers, participating employers, and individuals relating to the administration of this Act.

(4) Otherwise carry out such activities for the administration of this Act, in such manner, as may be provided for in the contract entered into under this section.

(5) The processing of grievances and appeals.

(b) APPLICATION.—To be eligible to receive a contract under subsection (a), an entity shall prepare and submit to the Office an application at such time, in such manner, and containing such information as the Office may require.

(c) PROCESS.—

(1) COMPETITIVE BIDDING.—All contracts under this section shall be awarded through a competitive bidding process on a bi-annual basis.

(2) REQUIREMENT.—No contract shall be entered into with any entity under this section unless the Office finds that such entity will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Office finds pertinent.

(3) PUBLICATION OF STANDARDS AND CRITERIA.—The Office shall publish in the Federal Register standards and criteria for the efficient and effective performance of contract obligations under this section, and opportunity shall be provided for public comment prior to implementation. In establishing such standards and criteria, the Office shall provide for a system to measure an entity's performance of responsibilities.

(4) TERM.—Each contract under this section shall be for a term of at least 1 year, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term, except that the Office may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the entity involved as the Office may provide in regulations) if the Office finds that the entity has failed substantially to carry out the contract or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the program established by this Act.

(d) TERMS OF CONTRACT.—A contract entered into under this section shall include—

(1) a description of the duties of the contracting entity;

(2) an assurance that the entity will furnish to the Office such timely information and reports as the Office determines appropriate;

(3) an assurance that the entity will maintain such records and afford such access thereto as the Office finds necessary to assure the correctness and verification of the information and reports under paragraph (2) and otherwise to carry out the purposes of this Act;

(4) an assurance that the entity shall comply with such confidentiality and privacy protection guidelines and procedures as the Office may require; and

(5) such other terms and conditions not inconsistent with this section as the Office may find necessary or appropriate.

SEC. 12. COORDINATION WITH SOCIAL SECURITY BENEFITS.

Benefits under this Act shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those medicare benefits) to the same extent and in the same manner as if coverage were under chapter 89 of title 5, United States Code.

SEC. 13. PUBLIC EDUCATION CAMPAIGN.

(a) IN GENERAL.—In carrying out this Act, the Office shall develop and implement an educational campaign to provide information to employers and the general public concerning the health insurance program developed under this Act.

(b) ANNUAL PROGRESS REPORTS.—Not later than 1 year and 2 years after the implementation of the campaign under subsection (a), the Office shall submit to the appropriate committees of Congress a report that describes the activities of the Office under subsection (a), including a determination by the office of the percentage of employers with knowledge of the health benefits programs provided for under this Act.

(c) PUBLIC EDUCATION CAMPAIGN.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 and 2008.

SEC. 14. APPROPRIATIONS.

There are authorized to be appropriated to the Office, such sums as may be necessary in each fiscal year for the development and administration of the program under this Act.

SEC. 15. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

''SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

''(a) DETERMINATION OF AMOUNT.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

''(1) the expense amount described in subsection (b), and

''(2) the expense amount described in subsection (c), paid by the taxpayer during the taxable year.

''(b) SUBSECTION (b) EXPENSE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The applicable percentage is equal to—

''(i) 25 percent in the case of self-only coverage,

''(ii) 35 percent in the case of family coverage (as defined in section 220(c)(5)), and

''(iii) 30 percent in the case of coverage for two adults or one adult and one or more children.

''(B) BONUS FOR PAYMENT OF GREATER PERCENTAGE OF PREMIUMS.—The applicable percentage otherwise specified in subparagraph (A) shall be increased by 5 percentage points for each additional 10 percent of the qualified employee health insurance expenses of each qualified employee exceeding 60 percent which are paid by the qualified small employer.

''(c) SUBSECTION (c) EXPENSE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The expense amount described in this subsection is, with respect to the first credit year of a qualified small employer which is an eligible employer, 10 percent of the qualified employee health insurance expenses of each qualified employee.

''(2) FIRST CREDIT YEAR.—For purposes of paragraph (1), the term 'first credit year' means the taxable year which includes the date that the health insurance coverage to which the qualified employee health insurance expenses relate becomes effective.

''(d) LIMITATION BASED ON WAGES.— With respect to a qualified employee whose wages at an annual rate during the taxable year exceed $25,000, the percentage which would (but for this section) be taken into account as the percentage for purposes of subsection (b)(2) or (c)(1) for the taxable year shall be reduced by an amount equal to the product of such

percentage and the percentage that such qualified employee's wages in excess of $25,000 bears to $5,000.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SMALL EMPLOYER.—The term 'qualified small employer' means any employer (as defined in section 2(b)(2) of the Small Employers Health Benefits Program Act of 2006) which—

''(A) is a participating employer (as defined in section 2(b)(5) of such Act),

''(B) pays or incurs at least 60 percent of the qualified employee health insurance expenses of each qualified employee for self-only coverage, and

''(C) pays or incurs at least 50 percent of the qualified employee health insurance expenses of each qualified employee for all other categories of coverage.

''(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage under such Act to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(3) QUALIFIED EMPLOYEE.—

''(A) DEFINITION.—

''(i) IN GENERAL.—The term 'qualified employee' means, with respect to any period, an employee (as defined in section 2(b)(1) of such Act) of an employer if the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year exceeds $5,000 but does not exceed $30,000.

''(ii) ANNUAL ADJUSTMENT.—For each taxable year after 2007, the dollar amounts specified for the preceding taxable year (after the application of this subparagraph) shall be increased by the same percentage as the average percentage increase in premiums under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code for the calendar year in which such taxable year begins over the preceding calendar year.

''(B) WAGES.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

''(f) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

''(g) CREDITS FOR NONPROFIT ORGANIZATIONS.—Any credit which would be allowable under subsection (a) with respect to a qualified small business if such qualified small business were not exempt from tax under this chapter shall be treated as a credit allowable under this subpart to such qualified small business.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 36 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 36. Small business employee health insurance expenses

''Sec. 37. Overpayments of tax''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2006.

SEC. 16. EFFECTIVE DATE.

Except as provided in section 10(e), this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2007 and each calendar year thereafter.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2910. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table.

SA 2911. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2912. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2913. Ms. SNOWE (for herself and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra.

SA 2914. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2915. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2916. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2917. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2918. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2919. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2921. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2906 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2922. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2905 submitted by Ms. SNOWE and intended to be proposed to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2923. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, supra; which was ordered to lie on the table.

SA 2924. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2925. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2926. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2927. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2928. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2929. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2930. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2931. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2932. Mr. REID proposed an amendment to the bill S. 2349, supra.

TEXT OF AMENDMENTS

SA 2910. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''$250,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006''; and

(C) in paragraph (2), by striking ''$750,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006'';

SA 2911. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to bill S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 5, and insert the following:

(A) by striking ''for a 1-time only obligation and expenditure'';

(B) in paragraph (1), by striking ''$250,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006''; and

(C) in paragraph (2), by striking ''$750,000,000 for fiscal year 2007'' and inserting ''$500,000,000 for fiscal year 2006'';

SA 2912. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 2899 proposed by Mr. KYL (for himself and Mr. ENSIGN) to the bill S. 2320, to make available funds included in the Deficit Reduction Act of